APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,430	12/14/2001	Shigeki Kuroda	35.C16053 US	3749

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EXAMINER
PATTERSON, RASHAN OMAR

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/014,430	KURODA, SHIGEKI
	Examiner	Art Unit	
	Rashan O. Patterson	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 February 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-10,12-14,16-18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over) Stone et al. (EP 0729118 A2) in view of Kondo et al. (US 6421523).

Regarding claims 1, 5, and 10 Stone et al. discloses an information processing

apparatus (Fig 2) comprising layout means for setting a print layout of the document

data (Col 4 lines 36-44); print instruction means for instructing executing of printing (Col.

4 lines 43-44); spooling means for spooling the document data as intermediate data of a

data format different from that of the document data (Col. 4 lines 17-25) wherein said

layout setting means sets the print layout on a print setting screen of the print driver (Col

5 lines 10-42), wherein said layout setting means sets the number of logical pages to be

allocated to one physical sheet and a layout order of the logical pages on the physical

sheet (Col 4 lines 32-38).

Stone et al. does not disclose the information processing apparatus provided

with a printer driver, comprising finishing command setting means which can set a

finishing command to a printer as to rotation-sort-output or Offset –output document

data; counting means for counting the number of physical sheets to which the document

data of one copy whose output is desire is allocated; wherein said finishing command

setting means sets the finishing command; wherein said finishing command setting

means can set an automatic mode in which the finishing command is left to decision of

the printer driver; wherein when automatic mode is set said finishing means command

setting meant disables the finishing command if the counting by said counting means

shows that the document data of one copy is printed onto one physical sheet, such that

the rotation sort output or the offset output is not performed and enables the finishing

command if the counting by said counting means shows that the document data of one

copy is printed onto two or more sheet, such that the rotation sort output or Offset

output is performed.

Kondo et al. discloses the information processing apparatus provided

with a printer driver, comprising finishing command setting means which can set a

finishing command to a printer as to rotation-sort-output or Offset –output document

data (Fig 11B- 12; Col 13 lines 17-24); counting means for counting the number of

physical sheets to which the document data of one copy whose output is desired is

allocated (Fig 11B- 12; Col 13 lines 17-24); wherein said finishing command setting

means sets the finishing command (Fig 11B- 12; Col 13 lines 17-24); wherein said

finishing command setting means can set an automatic mode in which the finishing

command is left to decision of the printer driver (Fig 11B- 12; Col. 13 lines 17-24);

wherein when automatic mode is set said finishing means command setting meant

disables the finishing command if the counting by said counting means shows that the

document data of one copy is printed onto one physical sheet, such that the rotation

sort output or the offset output is not performed and enables the finishing command if

the counting by said counting means shows that the document data of one copy is

printed onto two or more sheet, such that the rotation sort output or Offset output is

performed (Fig 11B- 12; Col 13 lines 17-24).

Stone et al. and Kondo et al. are combinable because they both incorporate

using an information processing apparatus.

It would have been obvious at the time of the invention for one skilled in the art to

combine Stone et al. with Kremers et al.

The motivation for doing so would have been to have the information processing

apparatus capable of suspending a shifting function of sheet when the sorting function

is turned on as taught by Kondo et al. in Col. 1 line 35.

Therefore it would have been obvious to combine Stone et al. with Kondo et al. to

obtain the invention as specified in claims 1,5, and 10.

Regarding claims 3,7, 13, and 17 Stone et al., as modified by Kondo et al.,

discloses an apparatus where in counting means executes the counting on the basis of

said intermediate data spooled by said spooling means (Col 4 lines 36-38).

Regarding claims 4, 8, 14, and 18 Stone et al., modified by Kondo et al.,

discloses an apparatus as further comprising intermediate data editing means for

making a layout print control of said intermediate data on the basis of the number

counted by said counting means and the print layout set by said layout setting means

(Col 4 lines 36-38; Col 5 lines 31-40); intermediate data output means for outputting

said edited intermediate a data (Col 4 lines 19 – 25); print data generating means for

generating print data from said outputted intermediated data (Col 4 lines 19-25).

3.   Claims 11,15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over) Stone et al. (EP 0729118 A2) in view of Kondo et al. (US 6421523) further in view

of Kremers et al. (US 5007625).

Regarding claims 11, 15, 19 and 20 Stone et al., as modified by, Kondo et al,

discloses an information processing apparatus provided with a printer driver, comprising

layout setting means for setting a print layout of the document data (Col 4 lines 36-44);

wherein said layout setting step means sets the nu7mber of logical pages to be

allocated to one physical sheet and a layout order of the logical pages on the physical

sheet (Fig. 3; Col 4 lines 32-38); a user interface, provided by the printer driver on

which a user activates said layout setting means to set the print layout (Fig. 1).

Stone et al. does not disclose the information processing apparatus comprising

having finishing command setting means which can set a finishing command to a printer

so as to rotation-sort-output or Offset-output document data; a user interface, provided

by the printer driver, on which a user activates said finishing command setting means to

set the finishing command; counting means for counting the number of physical sheets

to which the document data of one copy whose output is desired is allocated; wherein

said finishing command setting means can set the finishing command in an enable state or in a disables state, wherein when the finishing command is set in a the enable state and the counting by said counting means shows that the document data of one copy is printed onto one physical sheet, said finishing command setting means changes the finishing command from the enables state to the disabled state.

Kondo et al. discloses the information processing apparatus comprising having finishing command setting means which can set a finishing command to a printer so as to rotation-sort-output or Offset-output document data (Fig 11B- 12; Col 13 lines 17-24); counting means for counting the number of physical sheets to which the document data of one copy whose output is desired is allocated (Fig 11B- 12; Col 13 lines 17-24); wherein said finishing command setting means can set the finishing command in an enable state or in a disables state, wherein when the finishing command is set in a the enable state and the counting by said counting means shows that the document data of one copy is printed onto one physical sheet, said finishing command setting means changes the finishing command from the enables state to the disabled state (Fig 11B-12; Col 13 lines 17-24).

It would have been obvious at the time of the invention for one skilled in the art to combine Stone et al. Kondo et al.

Stone et al. and Kondo et al. are combinable because they both incorporate using an information processing apparatus.

The motivation for doing so would have been to have the information processing apparatus capable of suspending a shifting function of sheet when the sorting function is turned on as taught by Kondo et al. in Col. 1 line 35.

Kremers et al. discloses a user interface, provided by the printer driver, on which a user activates said finishing command setting means to set the finishing command (Col. 8 lines1-5).

It would have been obvious at the time of the invention for one skilled in the art to combine Stone et al. with Kremers et al.

Stone et al. and Kremers et al. are combinable because they both incorporate using an information processing apparatus.

It would have been obvious at the time of the invention for one skilled in the art to combine Stone et al. with Kremers et al..

The motivation for doing so would have been to give the user the capability of determining if sheets are offset as taught by Kremers et al. in Col. 8 lines1-5.

Therefore it would have been obvious to combine Stone et al. with Kondo et al. and Kremers et al. to obtain the invention as specified in claims 11,15, and 20.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 1/19/2006 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS**

MADE FINAL. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashan O. Patterson whose telephone number is 571-272-0597. The examiner can normally be reached on Mon - Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROP

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PRIMARY EXAMINER
Supervisory Patent